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November 18, 2020

Hon. Jesse M. Furman
Southern District of New York
Thurgood Marshal
United States Courthouse
40 Foley Square Courtroom 1105
New York, New York 10007

Re: Antolini v. 33 Bre Inc., Index 1:19 -cv-09674-JMF

Dear Judge Furman:

We represent the Defendants in the above-referenced matter.

We write this letter to request clarification of the deadline for submission of the motion for summary judgment. The end date of disclosure was October 30, 2020. Thirty days from October 30, 2020 is Sunday November 29, 2020.

At the November 4, 2020 conference, the court stated at ECF Doc page 13 as follows:

"Why don't we do this. I'll leave the motion deadline in place which, again, is thirty (30) days from October 30. So that will fall on I guess November 30, 2020, even though the 29th is a Sunday."

Clarification is requested as to whether the deadline is Sunday, November 29, 2020 or Monday, November 30, 2020.

In addition, at the conference on November 4, 2020, page 4, Plaintiff's counsel stated "... I'm trying to get my expert—in fact, I contacted him yesterday to get the report from him. He's not feeling well. He's supposed to go for a Covid test today. I am going to reach out to him again. Hopefully, I can get ahold of him this afternoon, tonight and then submit my report."

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We received the Plaintiff's architect's report, today, November 18, 2020.

Defendants would request an extension of the time to file the motion for summary judgment and other relief to December 9, 2020 so as to have a proper review and to address the Plaintiff's expert's report. I emailed Plaintiff's counsel regarding an extension and other matters. He has not yet agreed to the extension.

Thank you.

Very truly yours,



Robert Silversmith